

Being pregnant at work – **A call to action**

neu.org.uk/maternity

" I was told that I would face disciplinary for leaving my class to be sick! "

" My line manager refused to adapt my duties or timetable. "

" I had to use my PPA time for antenatal appointments. "

" My employer was so threatening and hostile that I was signed off with anxiety. "



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Introduction

The education workforce is a predominantly female sector. Seventy-six per cent of NEU members are women. The NEU recognises the societal biases and expectations that all women face, whatever their personal circumstances, whatever their choices.

The NEU's survey of women's experience of pregnancy, maternity and returning to work highlights unfair, unsafe and unlawful treatment of pregnant women working in education.

Women's rights – to privacy and dignity at work, to individual risk assessments, safe and fair working arrangements, more frequent rest breaks and a clean private space to rest, to time off for antenatal appointments – are frequently disregarded. Many pregnant teachers and support staff are subjected to humiliating and unlawful treatment at work.

Our survey illustrates that poor treatment is not universal, however. Some women report that their line managers and education leaders were “extremely supportive” “flexible and accommodating” “understanding and supportive”, putting their health and safety first and adjusting working arrangements proactively to accommodate the pregnant woman's needs.

To highlight the experiences of pregnant women in the education sector and to call for action on their rights at work, the NEU is delighted to be working with Maternity Action. Maternity Action is the UK's maternity rights charity dedicated to promoting, protecting and enhancing the rights of all pregnant women, new mothers and their families to employment, social security and health care.

Our aim in this call to action is to highlight injustice, celebrate value and demand better for pregnant women at work.

We want to help retain teachers and support staff in education.

We value pregnant women at work.

Our recommendations

Government - changes needed

- › Assist employers with the cost of placing pregnant women on paid maternity suspension.
- › Legislate for women whose earnings drop during the statutory maternity pay calculation period due to sick leave or unpaid leave, to have their eligibility for statutory maternity pay determined by reference to their normal salary.
- › Extend day one rights for workers and agency workers to paid time off to attend antenatal care; to have an individual risk assessment; and to maternity suspension, if required.
- › Set statutory sick pay as a day one entitlement, increase it to a reasonable level and extend it to those currently earning below the lower earnings limit.
- › Increase the flat rate of statutory maternity pay, statutory paternity pay, statutory shared parental pay and other statutory parental payments to at least the equivalent of 35 hours on the national living wage.
- › Extend time frames for pregnant women and new mothers to make an employment tribunal claim to six months.
- › Improve retention of experienced women in the education sector – raise awareness of the link between unacceptable, inflexible working conditions and the attrition of women from the education sector.

£££

Increase the flat rate of statutory maternity pay to at least the equivalent of 35hrs on the national living wage



Employers – changes needed

- › Adopt the NEU model policy, Supporting pregnant women at work.
- › Respect pregnant women's confidentiality – don't disclose private information without her express consent and only when necessary, eg for health and safety reasons.
- › Don't lower a woman's status or downgrade or remove her responsibilities on grounds that she is pregnant – this could be pregnancy discrimination.
- › Carry out an individual risk assessment for every woman as soon as she gives notice of her pregnancy.
- › Arrange safe work or suitable alternative work while arranging a risk assessment and if this is not possible, treat the woman as suspended on full pay until the employer is able to carry out a risk assessment and make adjustments.
- › If the risk assessment reveals a risk, do all that is reasonable to remove it or prevent the woman's exposure to it. Provide information on the risks and what action has been taken.
- › Action any necessary temporary alterations to working conditions or hours of work.
- › Record any pregnancy-related sickness absence separately from other sick leave, so that pregnancy-related sickness absence is not used as a reason for disciplinary action, dismissal or redundancy. It is automatic unfair dismissal and pregnancy discrimination to dismiss a woman for a reason connected to her pregnancy.
- › Actively encourage and enable women to attend antenatal appointments and take their paid time off, including for reasonable travel and waiting time.
- › Make sure that women have access to suitable rest facilities and take steps to support women experiencing pregnancy-related sickness, particularly those with severe sickness, hyperemesis gravidarum.
- › Recognise that the prevalence of domestic abuse often increases during pregnancy and ensure that any local policies recognise this fact and that pregnant women are aware of the support available.

About our research

Between April and May 2022, 3,700 NEU women members participated in an online anonymous survey about their experiences in an education setting in the previous five years of being pregnant at work, taking maternity leave and returning to work.

This call to action is one of a series of reports on areas that working women raised in the survey as needing urgent action.

Look out for all five of our reports, to be published on **neu.org.uk/maternity** under these themes:

- › Being pregnant at work
- › Pregnancy loss and termination
- › Maternity leave and pay
- › Returning to work after maternity leave
- › Breastfeeding women at work

Summary of key findings

38%



Thirty-eight per cent of respondents found their line manager's or employer's response to their pregnancy extremely supportive and 42 per cent were supportive. but...

Women's confidentiality is not respected.



25%



Over 25 per cent of women were not given a risk assessment after disclosing their pregnancy.

35%



Only 35 per cent of respondents were able to use suitable rest facilities.

Teachers are being forced to attend antenatal appointments during their PPA time.



11%



Eleven per cent of women experienced barriers to taking time off for antenatal appointments.

43%



Forty-three per cent of pregnant women experienced pregnancy sickness.

The health of pregnant women and their babies are being put at risk, eg being asked to supervise 40 children alone while pregnant without a risk assessment.



Pregnancy sickness is not taken seriously by line managers, head teachers and employers.



Being pregnant at work today

In 2006 the then Equal Opportunities Commission (EOC) published an extensive report into pregnancy and maternity discrimination in the workplace.¹ Ten years on, further research² carried out by the Equality and Human Rights Commission (EHRC) into pregnancy and maternity discrimination highlighted how lack of action to address the recommendations of the 2006 report had resulted in women facing increasing discrimination and growing concerns about health and safety risks in the workplace. In 2006, 45 per cent of women in the report had faced disadvantage or dismissal at work – but by 2016, a staggering 77 per cent of women were reporting negative or possibly discriminatory experiences at work.

The 2022 NEU Maternity Survey showed that high levels of discrimination and unfair – even unlawful – treatment are all too commonly found in the education sector, reflecting the experiences of the women who took part in the EHRC research.

However, many women also shared their positive experiences, and the support and help that they had received from their employer, managers and colleagues. Their stories show that a supportive response can make a massive difference to women's experiences of being pregnant in the workplace and can avoid stress, embarrassment and feeling denigrated and devalued just because they are expecting a baby. This in turn leads to a more positive attitude towards the employer.

¹ Greater expectations: final report of the EOC's investigation into discrimination against new and expectant mothers in the workplace. EOC, June 2005.

² Pregnancy and Maternity-Related Discrimination and Disadvantage – various reports. EHRC, 2016.

Explicit acts of discrimination

Changes to roles and duties

If an employer treats a woman unfavourably because of her pregnancy, for example, by ending her contract, extending her probation period or suddenly raising performance issues that had not previously been mentioned, she is protected by pregnancy discrimination law.

An employer will rarely admit that an employee has been dismissed for being pregnant. There will be circumstances when a dismissal during pregnancy may be for fair reasons, such as gross misconduct or persistent poor performance. Except in the most serious cases of gross misconduct, the employer will be expected to have warned the employee and conducted a disciplinary hearing. A woman should also have been given an opportunity to improve. If the dismissal or detrimental treatment is because of her pregnancy or for reasons connected to her pregnancy, such as pregnancy-related sickness absence, it is discriminatory.

Yet we heard from many women who found that as soon as they told their employer of their pregnancy they were subjected to discriminatory treatment. Sometimes this was subtle but often quite blatant attempts to change their role or responsibilities, or to end their contract, were made:



Women's voices

Negative

- " My pregnancy was an opportunity to subtly dismiss me from the department. My classroom was taken from me, I was given an 'intervention' role in my subject. One senior teacher in my department sold the intervention to students that I have extra time. Decisions surrounding me were just told me and didn't involve me. "
- " I told them on the phone when they offered me a job after an interview. They said they didn't want me to have the job. "
- " My line manager said I was of no use to her anymore. If she was head she would have had me signed off before 20

weeks. I was not ill and made my appointments outside of my working hours. “

- “ As I was fixed-term and had just had my contract renewed for a year, my employer was not happy about this as I didn’t disclose my pregnancy before my 12-week scan. “
- “ Was on temporary contract and lost the permanent job I was promised. “
- “ Deemed as an inconvenience. I was head of department and from the point of informing them I wasn’t included in any further middle management meetings or decisions as head of department. “
- “ My union arranged for a solicitor to support me and we reached a compromise agreement after my employer tried to make me unlawfully redundant due to my pregnancy. “

Informing the employer and confidentiality issues

Legally, a woman does not have to tell her employer that she is pregnant until the 15th week before her baby is due (which is when she needs to give notice to take maternity leave). She will need to tell her employer earlier if she is concerned about health and safety risks at work or to take paid time off for antenatal care. A woman is only likely to have protection against pregnancy discrimination once she has told her employer that she is pregnant. If she is not feeling well in the early stages of pregnancy and needs to take sick leave, she may want to tell her employer about her pregnancy so that any pregnancy-related sick leave is counted separately and not used for redundancy or disciplinary purposes.

Nearly 100 per cent of respondents had disclosed their pregnancy to their employer. Most (40 per cent) disclosed during the first eight weeks of pregnancy with just over a third (36.5 per cent) disclosing during weeks 9 to 12, and nearly all others (23 per cent) between 13 and 27 weeks.

Often this was not through choice but because the woman was experiencing pregnancy-related sickness and vomiting which meant she felt she had no option but to tell her employer. Several women found that, despite clearly asking that their pregnancy remained confidential for the time being, other staff were told and spoke to them about their pregnancy. This often caused distress, especially when women had not yet told family or friends and felt that their request for confidentiality had been unnecessarily breached. Some women also found that their employer advertised their post as soon as they were told about the pregnancy, not only breaking confidentiality but even making assumptions about future plans for returning to work after maternity leave by advertising the job as a permanent one.

Women's voices

Negative

- " Filled my vacancy before I'd told anyone else (I was eight weeks pregnant), despite me miscarrying my last pregnancy, and told the cover that it was maternity so everyone found out. I hadn't told family yet. "
- " They advertised my job before I had been for a 12-week scan which I found extremely disturbing and unfair. "
- " First baby, I asked her not to tell anyone. I only told her as a child in the next classroom had 'slapped cheek' and I needed to call my doctors. I left her office to call the doctors and on my return a member of SLT congratulated me, within minutes of asking the head teacher not to say anything. "
- " Supportive, however I specifically asked for it NOT to be shared with anybody else and it was discussed with the entire of SLT. "
- " I was signed off work for the majority of my pregnancy. The head teacher actually made another staff member who was pregnant call the midwife in front of him and questioned her about my pregnancy and my colleagues. "

Positive

- " I told my line manager early as I thought I had a miscarriage and had to take time off for appointment. They were extremely supportive and discrete so nobody else was told. "

- “ I had to tell my head teacher at seven weeks before anyone else knew as it was the beginning of the pandemic and pregnant women were being told to work from home. She sent me home immediately and kept the news in strictest confidence. ”
- “ My line manager only let people who needed to know, know about my pregnancy as I was very early in my pregnancy, which was very important to me. ”

Employer reaction at point of disclosure

Thirty-eight per cent of respondents said that their employer was extremely supportive when she told them about her pregnancy with a further 42 per cent saying that they were supportive. Two per cent said that the employer was very unsupportive and four per cent described them as unsupportive, with the rest saying that the employer was neither supportive nor unsupportive.

Many women found that they had very different reactions to their disclosure from different members of staff such as line managers, head teachers and members of

their SLT (senior leadership team), experiencing both very supportive and very unsupportive comments. Some women found that although there was no outwardly negative reaction, they experienced this in more subtle ways such as being left out of SLT discussions or having their role changed.

However, some women were both surprised and relieved by the positive reactions they experienced, especially if there had been a very negative response towards earlier pregnancies at different workplaces or by different managers.



Women's voices

Negative

- “ My head of department was very supportive but my head teacher was not at all. They expressed anger that I hadn't disclosed my pregnancy earlier, even though this was well in excess of statutory requirements. ”
- “ There was no overtly negative reaction immediately after the disclosure but there was a distinct change in the way they interacted with me from then on – avoiding conversations with me, shutting me out of new projects, etc. ”

- “ As soon as they were told, I felt written off and a hassle. This pregnancy was during Covid and it was definitely made difficult when wanting to discuss safety measures etc. ”
- “ Shortly after telling them their behaviour was threatening and so hostile I was signed off work for most of the rest of the pregnancy with anxiety. ”

Positive

- “ Incredibly supportive through both successful pregnancy and miscarriage the previous year. ”
- “ My line manager was incredibly supportive through all of my pregnancies (three). She immediately completed risk assessments and lightened my workload. With my last pregnancy (during the pandemic), after consulting occupational health, she made the decision to remove me from classroom activities so that I would be at less risk from catching Covid-19. ”
- “ I was already pregnant with my second when I went back after my first maternity leave. I was nervous to tell the head teacher but he was nothing but supportive. ”
- “ They put both mine and my baby’s wellbeing first at all stages. ”

Domestic abuse

It is well documented that domestic abuse often starts or gets worse when a woman is pregnant.

Prevalence studies suggest that:

- › between 20% and 30% of women will experience physical violence at the hands of a partner/ex-partner during pregnancy.
- › About 36% of women report verbal abuse, 14% severe physical violence and approximately 20% of pregnant women reported sexual violence.
- › For many women, domestic abuse begins in pregnancy, while for others it escalates in terms of frequency and severity of violence.³

³Callaghan, J., Morrison, F., and Abdullatif, A. (2018) Supporting women and babies after domestic abuse: A toolkit for domestic abuse specialists. London: **Women’s Aid Federation of England. Supporting-women-and-babies-after-domestic-abuse.pdf** ([womensaid.org.uk](https://www.womensaid.org.uk))

Although very few women who responded to our survey reported experiencing domestic abuse during pregnancy, the comments made by those who had demonstrated the important role that the employer has to play in providing support.

- “ Verbal, emotional and financial abuse. Nothing violent which led me to believe it wasn’t domestic abuse and I didn’t seek help until years after my son was born. ”
- “ Not from my current partner but a muted continuation of domestic abuse from a previous partner. The school considered whether they could support me with legal advice but I didn’t hear anything back about it. I did speak with a counsellor provided by the school as part of our wellbeing pack. ”
- “ I experienced an increase in emotional abuse during and after my pregnancy, which was during Covid. It may have been helpful if someone had checked in on how I was coping during working from home and during maternity leave. ”
- “ Work have been and continue to be incredibly supportive with my ongoing domestic violence issues. ”

The NEU has developed a **toolkit on domestic abuse**⁴. This toolkit is designed to support members affected at work by domestic abuse and to help other members, reps and leaders support them.

Time off for antenatal care

It is important for the health of both the mother and the baby that she sees her medical practitioners at regular intervals so that any problems are picked up as early as possible. The amount of time off required is a very individual matter and no two pregnancies are the same. The law says that employees (and agency workers who have been in the same placement for at least 12 weeks) are entitled to reasonable paid time off for antenatal care including reasonable travel and waiting time. The employer cannot ask the mother to take appointments outside working hours.

⁴ <https://neu.org.uk/advice/equality/domestic-abuse-and-workplace-toolkit>

If they work part-time, they are still entitled to time off where appointments fall during their normal working hours if this is unavoidable. Antenatal care can include classes, providing they are recommended by a registered midwife, nurse or GP as part of their antenatal care. If an employer asks, the woman must provide proof of pregnancy and proof of the appointment – but the employer cannot ask for proof for the first appointment.

Missing vital appointments is a risk to all mothers but is particularly dangerous to Black and minoritised women who have been found to receive a dangerously inferior maternity service, leading to inferior health outcomes. Black women are four times more likely to die in pregnancy or childbirth than white women and Black, Black British and Asian British babies have a 50% additional chance of perinatal mortality, even without being discouraged from attending appointments by their employer.⁵

Barriers and planning, preparation and assessment (PPA) time

Nearly all the women in our survey (92 per cent) had asked for time off to attend antenatal appointments but many respondents told of the guilt and apprehension they felt when submitting requests, despite having a right to paid time off for this. Eleven per cent told us that they had faced resistance and/or barriers when making these requests. Some employers appeared to think that allowing this time off was a favour on their part and did not seem to realise that this is a right.

There were repeated references to women being told to make such appointments in their own time – particularly if they worked part-time – or during their PPA time. There was a lack of understanding that this was often not possible because antenatal clinics and appointments could only be made on certain days of the week and at certain times over which the woman had no control. For women experiencing complications during their pregnancy who, as a result,

⁵ The Ethnicity Motherhood Pay Penalty – Fawcett Society <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=2700108d-d095-4ba6-8830-48f4abcb9785>

had to have regular repeat clinical appointments, this could become a serious source of stress and anxiety each time they had to make a request for time off.



Women's voices

Negative

- " We had complications in our pregnancy and needed extra scans. The head was a bit funny about letting us go to them as I was having quite a bit of time out of the classroom. She made it difficult and caused me a lot of unnecessary stress added onto what was already a traumatic time. "
- " Second pregnancy had more midwife appointments because of complications first time round, this was met with criticism which culminated in me being emailed and warned re amount of cover I was requiring. "
- " I had to book scans/midwife appointments during my PPA or make the time back up if I was out of class. "
- " Told to make appointments in my own time but I told them that I couldn't and had to go when the midwife was available. I was fearful of needing additional appointments over and above the standard. "
- " Was allowed but it was clear that this was considered selfish on my part. "
- " My employer was unhappy and vocal to other members of staff about my need to attend antenatal appointments. "
- " I was made to feel that the appointments were a huge inconvenience with regards to cover. I felt awkward about asking for time to attend appointments to the extent that I went against my midwife's request to attend hospital for a check-up as I thought my waters were leaking (at 36 weeks). I waited for my scheduled appointment a few days later and found out my waters were leaking and was induced immediately due to risk of infection. I look back now and feel angry with myself for allowing the school to make me feel like an inconvenience and therefore jeopardise the health of my unborn baby and myself.

“ Each time I requested leave for an appointment I felt nervous/anxious and was made to feel very inconvenient. I was constantly reminded of how ‘generous’ SLT were for giving me time for these appointments. As a result, I was asked to do lots of covering and many jobs that others didn’t want to do. ”

Positive

- “ They let me and my partner who also worked there attend all appointments including antenatal parenting and relaxation etc without any issue. ”
- “ Really supportive, risk assessment, reduced tasks, allowed out for scans and to leave early for pregnancy yoga class. ”
- “ I had some complications with my second pregnancy that required daily hospital visits for two weeks continuously. My employer was brilliant allowing me to take a full or part day as needed over that time. ”

Protecting the health, safety and wellbeing of the mother and baby

Risk assessments and employer action including maternity suspension

An individual risk assessment must be carried out for every woman as soon as the employer is informed of her pregnancy. The Health and Safety Executive (HSE) has recently updated its guidance on individual risk assessments and clarified this duty.⁶ This should be done in collaboration with the union rep and should be reviewed periodically throughout the pregnancy. A pregnant woman is entitled to be provided with safe work or suitable alternative work while her employer arranges a risk assessment. If this is not possible she should be treated as suspended on full pay until the employer is able to carry out a risk assessment and make adjustments.

⁶ [hse.gov.uk/mothers/employer/risk-assessment.htm](https://www.hse.gov.uk/mothers/employer/risk-assessment.htm)

If the risk assessment reveals a risk, the employer must do all that is reasonable to remove it or prevent the woman's exposure to it. The employer must provide information on the risks and what action has been taken.

Following a risk assessment the employer must take the following steps:

Step 1: Temporarily alter the woman's working conditions or hours of work – if this is reasonable and avoids the risk – such as allowing extra breaks, ensuring that she can sit down and avoiding heavy lifting. This applies to all workers.

Step 2: If that is not possible or does not avoid the risk, the employer must offer the woman suitable alternative work on terms and conditions that are not substantially less favourable than her original job.

Step 3: If there is no suitable alternative work, the employer must suspend the woman on full pay for as long as necessary to avoid the risk.

Steps 2 and 3 apply to employees only and agency workers with more than 12 weeks in the same placement. It is the responsibility

of the agency to provide suitable alternative work (if any is available) if a woman is unable to continue safely in her placement. If no suitable alternative work is available, the agency must suspend her on full pay for as long as the placement would have lasted.

Unfortunately many pregnant women are unaware of their right to be suspended on full pay if the employer is unable to meet steps 1 and 2.

Only 6.5 per cent of the women who responded to our survey said that they had been suspended on full pay on health and safety grounds with 14 per cent saying that this was not relevant to their situation. The rest had not been subject to a maternity suspension.

Nearly three-quarters of respondents (74 per cent) said that their employer/line manager carried out a risk assessment when they told them about their pregnancy. This means that just over a quarter did not have the individual risk assessment that an employer is required to undertake when a woman tells them that she is pregnant. Often this was despite women making repeated requests for a risk assessment to be undertaken which were simply ignored.

Of those who did have a risk assessment, nearly three-quarters (73 per cent) said that their risk assessment recommended adjustments to their work environment and/or working arrangements. Nearly a third (30 per cent) reported that they were only partially addressed and 11 per cent that they were not addressed.

It is also important that risk assessments are repeated at different stages of pregnancy, as recommended by the Health and Safety Executive. Only just over half (52 per cent) said that this had happened, with 43 per cent saying they had not had a further risk assessment.

Women's voices

Negative

" They did a risk assessment for me which was in reality pointless as included things like being able to go to the staff room to take a rest, but with no adult support to cover the 35 children in my year 2 class etc. I also handed in my notice at the same time as I feared the stress from work could risk my pregnancy. "

" Was left to it, as if I wasn't pregnant. No concern shown over working late at open/parents evening or the risk of Covid! "

" They were supportive to start with, until I was poorly in pregnancy and had complications, then they tried to start my maternity leave early. "

" I suffered with illness throughout my pregnancy and my employer was very unsupportive. I ended up signed off work because they refused to make adjustments and understand my difficulties. "

" Still haven't got a risk assessment and am 32 weeks pregnant and have asked several times. Have been sent on a school trip at 32 weeks pregnant. "

" My line manager refused to let me have any adaptations to my duty or timetable, despite being on the second floor, the loo being on the ground floor, being on crutches in awful pain. It was also made clear that I wasn't to have any time off other than appointments if I wanted to pass my NQT year. "

Positive

- “ Complicated pregnancy and had nothing but support and was accommodated the whole time. ”
- “ My female head teacher was supportive and immediately met to discuss risk assessments. ”

Violence at work

It is of great concern that even women who worked in special educational needs (SEN) settings and faced the threat of physical violence from some children in their care during their pregnancy, reported that employers did not carry out a risk assessment straight away or took little or no action to address such serious risks.

- “ I told them at four weeks as I work in SEN setting where we have experienced violence from pupils. I didn't get a risk assessment till I was 14 weeks. The risk assessment didn't cover any of the actual risks, wasn't worth the paper it was written on. And being assaulted while pregnant caused my son to be premature and pass away at three days old. Nothing changed after this and two

other members of staff have since also been left during their pregnancies to teach pupils with a history of violence. ”

- “ I was a SENCO (special educational needs co-ordinator). The pregnancy was high risk from very early on and there was no care/thought towards the stress of the job and experience – it didn't matter as long as I did my job. ”

Pregnancy sickness

Sickness in pregnancy (sometimes called morning sickness) is common. Around eight out of every ten pregnant women feel sick (nausea), are sick (vomiting) or both during pregnancy. This does not just happen in the morning. For most women, this improves or stops completely by around weeks 16 to 20, although for some women it can last longer. Exactly how many pregnant women get hyperemesis gravidarum is not known as some cases may go unreported, but it is thought to be around one to three in every 100.⁷

⁷ <https://www.nhs.uk/pregnancy/related-conditions/complications/severe-vomiting/>

Forty-three per cent of women told us that they experienced pregnancy-related sickness while working in education and of these, just over one in five had developed the severe form of sickness called hyperemesis gravidarum. Despite this clearly being a very difficult time, especially for the women experiencing the more severe form, nearly a fifth (18 per cent) described their employer as being unsupportive or very unsupportive. Women were anxious about taking time off work when they were ill because of the negative reactions of their employer; they were also concerned about the impact on colleagues who would have to cover for them. This left many feeling that they had no option but to carry on going into work despite clearly not being well enough to do so.

It is clear that many employers simply do not understand the devastating effects of morning sickness, particularly hyperemesis gravidarum. Women not only had to face the embarrassment of having to be sick in the classroom or having to run outside at a moment's notice (sometimes leaving them vulnerable to complaints and threats of disciplinary action by employers about leaving a class unattended) but also the side effects of

exhaustion and weight loss. Many felt that their employers and sometimes colleagues thought they were exaggerating the effects of the symptoms or did not believe that the nausea and sickness could last all day, not just the morning, and that they should just "get on with it", particularly if they had not experienced similar symptoms during their own pregnancies.

There was a lack of understanding on the part of many employers that pregnancy-related sickness (including sickness absence due to miscarriage) should be recorded separately from other forms of sickness absence and should not be used to instigate disciplinary proceedings. Women were often ignorant of this and accepted that the employer was entitled to take action against them.

Other women told us how supportive their employer and colleagues had been, checking up on them regularly and encouraging them to go home when they were clearly too ill to continue working. This had a very positive impact, helping the women not to feel guilty about taking time off or needing cover and meant they did not experience the additional stress that those who had such negative reactions suffered.

Women's voices

Negative

- " I was extremely poorly with hyperemesis gravidarum. My head teacher told me to eat a ginger biscuit and I would be fine. "
- " Told that I would face disciplinary for leaving class to be sick. "
- " No allowances for morning sickness. I literally had to throw up in the classroom. "
- " I was extremely ill. Loosing four stone in total during pregnancy and took zero days off work as I was worried how I would be treated if I did so. "
- " I was 'asked' to move to a different school in the trust and lost my role as head of department when I had my first sickness absence. "
- " Had to be sick in my store cupboard each day. "
- " I was meant to have a teaching assistant in my room for when I was sick. This didn't always happen and sometimes I was left throwing up in a bin in the cleaners' cupboard. I also was sick on myself and was not allowed to go home and change. "
- " I went to my employer in tears as I was absolutely exhausted with HG. I was being sick numerous times during the school day despite being on Ondansetron. The response I got was something along the lines of – morning sickness is common, I was sick, but you just get on with it don't you. There were no accommodations or recommendations of time off. It was like – you're poorly because you're pregnant so you're well enough to be in school. "
- " It can come to you after you have started the day just fine. All of a sudden you can't carry your weight, you are sweating, you feel like you are going to pass out. You feel embarrassed that these symptoms are happening to you while in the middle of teaching. You fret how you will leave without making a scene. "
- " I ended up on a drip in the antenatal ward due to severe dehydration due to sickness. My head did not consider this to be pregnancy-related and made me go through a sickness monitoring meeting when I was pregnant. I found this very stressful and later went into work with a urine infection during my pregnancy as I was

too worried about taking time off work. "

- " When I did have to go to hospital for sickness I was invited for a sickness review with the head teacher and the school business manager because it triggered my second or third (I can't remember which) day off with sickness in a 12-month period. I had to point out to them that pregnancy-related sickness shouldn't count to my sickness record and was told I needed to attend the meeting anyway and they would check afterwards if it had been necessary or not. "
- " After only two days of pregnancy-related sickness, I was informed if my sickness continued then my maternity pay would kick in and I was only 22 weeks pregnant. "
- " Despite losing over 20 per cent of my body weight by 12 weeks I continued to work. I was threatened with capability due to having to leave the classroom (repeatedly) to be sick and often therefore leaving the class alone as support was not put in place... My performance suffered as a result of being so unwell and this was also used as part of a 'formal improvement plan' and I was denied my pay progression. "

Positive

- " I had severe vomiting in the early stages and they were very flexible and accommodating. "
- " People underestimate it but thankfully my college and colleagues were very understanding and supportive. "
- " I was really anxious at the thought of taking leave with sickness but my seniors were extremely supportive and actively encouraged me to only come in if I felt able to. "
- " They would often check up on me throughout the day and if they could see I was struggling, they'd insist I rest/consider going home. "
- " Work were extremely supportive. Return-to-work interviews after any absence are conducted by the principal for teaching staff. The principal made it very clear to me that pregnancy-related absence does not impact or affect my absence record. Overall, extremely supportive in every way. "

Impact of Covid

Ventilation is an important factor in the workplace but this has become even more so as a result of the Covid-19 pandemic. Covid is an airborne virus, meaning it is primarily spread through the air in tiny particles, known as aerosols. That means anyone can spread them unknowingly and that ventilation, where the air is renewed and refreshed regularly, is an important method for reducing Covid transmission. Every workplace risk assessment should include transmission risk of airborne viruses and outline what steps are being taken to improve ventilation where necessary.

Sixty per cent of women told us that their employer had assessed the specific risks posed by Covid during their pregnancy with 12 per cent saying that this had not been included and the rest that it was not applicable to them during their pregnancy.

Many women spoke about their concerns that their employer had done little or nothing to protect them and their baby from the risk of Covid and that they felt they had no choice but to continue working in an unsafe environment. Many were reluctant to press their

employer to take action because of their fears of the reaction they would face. Some started their maternity leave earlier than planned to avoid the risks but this meant that they then had less time with their baby after the birth than they would have liked before they had to return to work from maternity leave.

Women's voices

Negative

- " With my second pregnancy it was at the beginning of the pandemic during the first lockdown. I disclosed very early on, as suggested on the union website, so precautions could be taken at work. My head hung up on me and made me come in to work to attend a meeting after which she pulled me into her office to let me know I could work from home but that she didn't want people thinking they could go and get pregnant and not have to come into work like me.
- " I worked through the pandemic in class. The advice was to keep two metres away from the children which my head teacher expected me to do whilst in a classroom with 35 nine- and 10-year-olds. This

was extremely difficult to do and frankly, unrealistic. I didn't challenge her on it however, as I didn't think she would be happy to hear me kicking up a fuss."

" I requested to work from home towards the end of my pregnancy due to how I felt about the increased Covid rates. This request was met with resistance. The suggestion was to put me behind a glass screen and teach year 1 children. Completely ridiculous."

" My pregnancy was called 'a situation' and they were not very considerate of my anxiety of Covid whilst being in a high risk pregnancy. I ended up starting maternity leave early to feel safe."

Positive

" At the peak of the pandemic, just before lockdown, my head wanted to make sure my safety was top priority."

" Did everything they could to protect the welfare of me and my baby which was very tricky during Covid."

" I was around 20 weeks pregnant when Covid started. As soon as Boris gave the announcement on the Monday my head teacher phoned me that night and told

me not to come back whilst all this was happening. As it unfolded, I didn't return to work until after my maternity. The whole school was incredibly supportive."

" They let me work from home from 28 weeks to protect me from Covid, even though government advice had changed at that point."

" During second lockdown, I was taken off rotas and worked from home."

Rest breaks

All employers must provide suitable facilities for a pregnant woman or nursing mother to rest, which should include somewhere to lie down. The Health and Safety Executive advises that new and expectant mothers are entitled to more frequent rest breaks so women should discuss this with their employer and agree the necessary timing and frequency of rest breaks.⁸

⁸ hse.gov.uk/mothers/employer/rest-breastfeeding-at-work.htm

Only just over a third (35 per cent) of women in our survey told us that they were provided with suitable rest facilities at work during their pregnancy. Given the problems women faced with accommodations being made when they were experiencing morning sickness, problems with risk assessments not being carried out or risks being addressed, and in getting time off for antenatal appointments, it is not surprising that their expectations of being provided with rest facilities were low.

Workload and stress

Some stress during pregnancy is normal, but if stress becomes constant, the effects can be damaging. Stress has been linked to poorer pregnancy health and possible developmental problems in babies. The nature of the job may be a source of stress but poor employer practices can be too. For instance, pregnancy discrimination or the threat of redundancy may cause or exacerbate stress.

Women told us that often little account was taken of the impact on their pregnancy in terms of their workload even if they were experiencing sickness

or complications. This often continued into the later stages of pregnancy when women were finding it more difficult in terms of mobility and tiredness yet were still expected to maintain the same workload. This, combined with uncertainties about job role and attempts to change their role and/or remove some responsibilities without consulting with them, resulted in undue stress and pressure. As a result of high levels of stress, some women were signed off sick from work.



Women's voices

Negative

- " My employer was generally supportive until towards the end of my pregnancy where I didn't feel any allowances were made for me being heavily pregnant, eg being asked to supervise 40 children alone."
- " Still expected to go on a residential trip for two nights at 20 weeks pregnant as only teacher/lead person and run a highly active and very physical trip with no additional support."
- " My manager was less than supportive when I had to attend emergency appointments at six and eight weeks when I

feared I was miscarrying. The response was unsympathetic and I was expected to come back to school to teach even if I'd had bad news following my appointments."

" I was signed off by the doctor four weeks prior to my maternity leave for stress as my employer was very unsupportive and changed towards me when I announced my pregnancy."

" I was told that I had to return to school after my antenatal appointments – which caused me stress because I had a high risk pregnancy caused by high blood pressure. This meant that sometimes I was admitted into hospital for my blood pressure and had to have awkward conversations stating that I could not return to school that day. This increased my stress levels."

" I was signed off with stress due to the maternity discrimination I was experiencing and the impact it was having on my physical health."

" I was pregnant during the pandemic and there were things my workplace didn't grant me besides me being eligible for it. They expected me to work in a room with no windows or fan during the summer while I was

heavily pregnant. Also, the NEU released a statement about pregnant women being able to work remotely in their third trimester when the rate of Covid was really high. My workplace didn't allow me and bullied me which caused me stress during my pregnancy."

Positive

" They have been checking in with me regularly about workload and making sure I am not doing too much."

" I've had two miscarriages and my line manager has been supportive of my personal mental health surrounding this."

A call to action

Employers are failing to meet even the basic rights of pregnant women at work. Women have had their privacy breached, they have been refused individual risk assessments, prevented from taking time off to attend antenatal appointments, forced to work in dangerous conditions and denied a safe, clean, private space to rest.

Pregnant women's health, safety, welfare and dignity are under threat.

We can protect these rights. Many employers can and do support pregnant women at work. The NEU is calling on all employers to uphold pregnant women's rights at work. We want women to control who knows about her pregnancy and when, we want to see timely risk assessments and reviews, appropriate adjustments to working conditions, paid time off for antenatal appointments and suitable rest facilities.

What can reps do?

NEU reps have a vital role to play in protecting pregnant women from discrimination in the workplace. Many women have low awareness of their rights at work and may take what an employer tells them at face value, thus losing out on entitlements and protections during their pregnancy. Here are some of the ways in which you can support your members.

- › Protect their confidentiality if they do not want colleagues to know about their pregnancy yet and remind any employer/manager who is aware of the pregnancy not to disclose it without express permission.
- › Make sure that your members have access to up-to-date information about their maternity rights and any local maternity policies. You can approach human resources (HR) for this information thus avoiding the need for the woman to reveal that she is pregnant.
- › Try to organise regular catch-ups with your member during her pregnancy to make sure that her health and safety is being protected and that she is not experiencing pregnancy

discrimination – for example, unwanted changes to her role and responsibilities without her consent or consultation, threats of redundancy or termination of contracts.

- » Make sure that an individual risk assessment is carried out by the employer as soon as the member tells them that she is pregnant. Check that risk assessments are being carried out at different stages of her pregnancy and any identified risks are properly addressed. NEU reps should be involved in such risk assessments so management should keep you informed of the actions they are taking. Raise any additional risks that they have not picked up.
- » Is your member at risk of violence in the workplace, for example from violent or challenging student behaviour and if so, has the employer taken steps to remove these risks?
- » If your employer is unable to make adaptations to the member's working hours or conditions and cannot provide suitable alternative employment, are they aware of their duty to suspend pregnant employees on full pay?
- » Check that your member knows about her rights to paid time off for antenatal appointments and that management are not putting pressure on her to attend outside of working hours or to make the time up or take PPA time away. Remind them that women often have little or no control over when appointments are made or which days or times appointments are available.
- » If your member is experiencing pregnancy-related sickness, make sure that the employer accommodates her needs and that she has privacy and suitable facilities during this difficult time. Are there appropriate rest facilities available for your member? These can be included as part of any safety inspection to make sure they are fit for purpose.
- » Does your sickness absence policy make it clear that any pregnancy-related absences should be recorded separately and not be used for the purposes of selection for redundancy or disciplinary action?
- » Follow the **NEU Checklist for reps** on supporting pregnant women at work.



Resources

For resources and more guidance on how to support women at work, visit [**neu.org.uk/maternity**](https://neu.org.uk/maternity)



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